

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

JONATHAN PAUL JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:20-CV-00080-DGK
	)	
JOHNSON COUNTY TRANSIT,	)	
	)	
Defendant.	)	

**ORDER DISMISSING CASE FOR LACK OF SUBJECT MATTER JURISDICTION**

This case arises from Plaintiff Jonathan Johnson’s allegation that he was held against his will when a bus driver working for Defendant Johnson County Transit refused to make an unscheduled stop to let him off the bus once Plaintiff realized the bus had been rerouted. Plaintiff contends that on a subsequent trip with the same bus driver, Defendant violated his right to free speech after he complained about his previous treatment and then was escorted off the bus.

On February 7, 2020, the Court granted Plaintiff’s request to proceed in forma pauperis. Upon further review, however, the Court finds it should not have granted the request; it should have dismissed this case because the Court lacks jurisdiction (that is, legal authority) to hear this dispute. Federal courts are courts of limited jurisdiction, and as such may only hear cases they have been authorized to hear by the Constitution or by statute. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Whenever it appears that a federal court lacks subject matter jurisdiction over a dispute, the court must dismiss the lawsuit. Fed. R. Civ. P. 12(h)(3); *see Kokkonen*, 511 U.S. at 377. Parties bringing a complaint to federal court bear the burden of establishing federal jurisdiction. *See, e.g., Fastpath, Inc. v. Arbela Tech. Corp.*, 760 F.3d 816, 820 (8th Cir. 2014).

Plaintiff, in his checklist complaint (Doc. 3), left the box for “Federal question” unchecked, but marked the box for “Suit against the Federal Government, a federal official, or a federal agency.”

As for the federal agency involved, Plaintiff wrote, “Johnson County Transit.” But Johnson County Transit is not the Federal Government, a federal official, or a federal agency—it appears to be some sort of county entity. In fact, the Federal Government, a federal official, or a federal agency is not mentioned anywhere in Plaintiff’s complaint. Consequently, the Court lacks subject matter jurisdiction to hear this lawsuit.<sup>1</sup>

The case is DISMISSED WITHOUT PREJUDICE.

**IT IS SO ORDERED.**

Date: July 16, 2020

/s/ Greg Kays  
GREG KAYS, JUDGE  
UNITED STATES DISTRICT COURT

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<sup>1</sup> Even reading the complaint so liberally as to construe it as alleging some sort of federal civil rights claim—despite the fact that Plaintiff did *not* check the box indicating he was asserting such a claim—it is unclear whether Johnson County Transit is even amenable to suit under federal civil rights law.